REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicant has added claims 4-6. Accordingly, claims 2-6 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Examiner Objections - Drawings

The Examiner objected to the drawings because of some of the drawings were not designated by legend as Prior Art. The Applicant thanks the Examiner for his careful review of the drawings. In response, the Applicant has amended the drawings and has added the term "Prior Art" to the legend of Figures 1, 3 and 4. With respect to Figure 2, however, the Applicant respectfully traverses the objection. As discussed in the specification at page 5, lines 13-14, "Fig. 2 gives an example of the new organization of the gatekeepers according to the invention." Consequently, the Applicant does not believe Figure 2 is prior art. The Examiner's reconsideration of his objection with respect to Figure 2 is, therefore, respectfully requested.

3.) Claim Rejections – 35 U.S.C. § 102(e)

The Examiner rejected claims 2-3 under 35 U.S.C. § 102(e) as being anticipated by Gardell, et al. (US 6,128,304). The Applicant respectfully traverses this rejection.

For convenience, claim 2 is reproduced below:

> 2. Method for establishing a connection between a calling party and a called party in a H.323 network wherein the gatekeepers are arranged in a hierarchical manner, the method comprising:
> receiving by a first gatekeeper a Set-up command issued from a connected calling user,
> performing a user location algorithm by said first gatekeeper on its locally attached users,
> if this algorithm fails, sending a Location Request message to its lower level gatekeepers, wherein each lower level gatekeeper performs an user location algorithm on its attached users and lower level gatekeepers,
> *if these user location algorithms fail, sending a Location Request message to its higher level gatekeeper, which performs an user location*

algorithm on its attached users and gatekeepers except the originating gatekeeper,

if one of the user location algorithms succeeds, the gatekeeper concerned a Location Confirm message to the first gatekeeper,

the first gatekeeper sending a Set-up message to the gatekeeper which has issued the Location Confirm message, which gatekeeper forwards said Set-up message to the called user, whereupon said connection is established.

The Applicant respectfully maintains that the highlighted elements in the above claim are not found in Gardell. Consequently, a §102 rejection is not proper. The Examiner argues that the element of "if these user location algorithms fail, sending a Location Request message to its *higher level* gatekeeper, which performs an user location algorithm on its attached users and gatekeepers except the originating gatekeeper" may be found at Gardell, col. 9, lines 17-65. The Applicant has thoroughly search the cited passage and could not find where this element is described in Gardell. Possibly the Examiner believes this element is described at col. 9, lines 35-40? This citation is reproduced below:

If, after the predetermined amount of time has elapsed, the CCSE has not received a connect signal from the terminal end-point, the feature selector 24 is programmed to access the second association table 28 *to determine the corresponding service node* linked to T1, corresponding to step 50 in FIG. 6.

If the Examiner believes that accessing the second association table 28 somehow corresponds to sending the location request message to its higher level gatekeepers, then the Applicant respectfully disagrees. The second association table 28 of Gardell forwards the call to a voicemail service, thus there is no connection made between the calling party and the called party. In fact, Gardell simply does not teach the element of "if these user location algorithms fail, sending a Location Request message to its higher level gatekeeper, which performs an user location algorithm on its attached users and gatekeepers except the originating gatekeeper." In Gardell, there is no "backing up" or "upward movement" to higher level gatekeepers, just a progression

of repeated "downward" movements until the correct gatekeeper is located or until the call is routed to a voicemail service.

As the Examiner is aware, a §102 can only be maintained if all of the claim elements are taught. Gardell does not teach all of the claim elements. Consequently, the Applicant respectfully requests that the Examiner remove this rejection.

Claim 3 contains a similar limitation of "if this user location algorithm fails, forwarding the call by said first gatekeeper to its higher level gatekeeper, which performs an user location algorithm on its attached users and gatekeepers except the originating gatekeeper." This element is also not found in Gardell. Thus, the Applicant respectfully requests that the Examiner also withdraw the §102 rejection with respect to claim 3.

4.) New Claims

Claims 4 through 6 have been added. The Applicant respectfully submits no new matter has been added. Support for the new claims may be found at page 5, line 13 to page 6, line 10. The new claims have been made to more completely claim that to which the Applicant is entitled and to conform the claims to the personal preferences of the current patent attorney. The Examiner's consideration of the new claims is respectfully requested.

It is also obvious that the new claims contain elements which are not disclosed, taught, nor implied by Gardell. For instance, Gardell does not teach the element of "if the user location request cannot be fulfilled, forwarding the locate request to the higher level gatekeeper."

Thus, allowance of the new claims is also respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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Bill R. Naifeh
Registration No. 44,962

Ericsson Inc.
6300 Legacy Drive, M/S EVR 1-C-11
Plano, Texas 75024

(972) 583-2012
bill.xb.naifeh@ericsson.com